

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TANYA SILVA,

Plaintiff,

v.

No. 15-cv-1046 MCA/SMV

**BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF ROOSEVELT,
ROOSEVELT COUNTY ADULT DETENTION CENTER,
DAVID CASINOVA, DREW WHITE,
CAMERON RIDENOUR, DIVINE ALCANZO,
JANE-JOHN DOES 1-5, AND JANE-JOHN DOES 6-10,**

Defendants.

ORDER GRANTING PLAINTIFF'S MOTION TO WITHDRAW ADMISSIONS

THIS MATTER is before the Court on Plaintiff's Motion to Withdraw Admissions [Doc. 32], filed November 3, 2016. Defendants responded on November 14, 2016. [Doc. 42]. Plaintiff did not reply. The Court heard argument from the parties at a hearing on the motion on December 12, 2016. Having considered the briefing, the parties' argument at the hearing, the relevant law, and being otherwise fully advised in the premises, the Court finds that the motion is well-taken and should be **GRANTED**, provided that counsel for Plaintiff makes appropriate written assurance to Defendants as set forth herein.

In her motion, Plaintiff requests that the Court permit her to withdraw the admissions to Defendant Board of County Commissioners' requests for admission 11–14. [Doc. 32] at 3. Plaintiff attached as an exhibit to her motion amended answers to the requests for admission. [Doc. 32-1]. Defendants do not oppose Plaintiff's motion and accept Plaintiff's amended responses. [Doc. 42] at 2. Defendants request that, because there is "no indication that Plaintiff

herself has reviewed and approved” the amended answers, counsel for Plaintiff provide assurance that the amended answers will not be subsequently withdrawn or amended without the explicit approval of Defendants. *Id.*

IT IS THEREFORE ORDERED that Plaintiff is permitted to withdraw her answers to Defendant Board of County Commissioners’ requests for admission 11–14.

IT IS FURTHER ORDERED that, by **5:00 p.m. on December 14, 2016**, counsel for Plaintiff provide written assurance to Defendants that Plaintiff has reviewed and is satisfied with the amended answers. If no such assurance is provided by the deadline, Plaintiff’s motion will be denied and the original answers to the requests for admission will be adopted as the effective answers.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge